



OFFICE OF RACIAL EQUITY AND SOCIAL JUSTICE

Marc Elrich
County Executive

Tiffany Ward
Director

MEMORANDUM

May 2, 2022

To: Jennifer Bryant, Director
Office of Management and Budget

cc: Gabe Albornoz, President
County Council

From: Tiffany Ward, Director
Office of Racial Equity and Social Justice

Re: Racial Equity Impact Assessment (REIA) for Supplemental Appropriation (SA) #22-75
ARPA IDEA Early Intervention Grant

- I. **FINDING:** The Office of Racial Equity and Social Justice (ORESJ) finds that Supplemental Appropriation #22-75 American Rescue Plan Act (ARPA) Individuals with Disabilities in Education Act (IDEA) Early Intervention Grant is likely to advance racial equity and social justice in the County as it provides targeted resources to address disproportionalities in school discipline impacting students of color, particularly Black students, and students with disabilities. To sustain and leverage these system-level investments, ORESJ notes the importance of continued data collection, monitoring, and policies that enable continual staff development and resources for restorative justice practices.
- II. **BACKGROUND:** The purpose of Supplemental Appropriation #22-75 is to utilize funding under the Comprehensive Coordinated Early Intervening Services Plan Grant to hire three behavior specialist, two social workers, and one psychologist. The goal of additional staff resources is to reduce disproportionalities in school suspension, particularly for Black students with disabilities, by providing additional staff training and coaching, monitoring the implementation of restorative justice practices, and equitably applying the student code of conduct.

To assess the extent to which this supplemental appropriation is likely to advance racial equity and social justice in the County, we looked at data about the disciplinary experiences of students with disabilities, particularly for students of color with disabilities. We then looked at research related to the structural inequities that create disparities in discipline and other outcomes for students of color with disabilities. Finally, we compared the targeted approach outlined in this supplemental appropriation with best practices for addressing disproportionalities in student discipline. Our analysis leaned heavily on the Office of Legislative Oversight (OLO) Racial Equity and Social Justice statement for Bill 7-21¹, which provided a thorough analysis of the root causes and promising interventions for curbing disparities in school discipline in the County.

Available information suggest that the targeted approach outlined in this Supplemental Appropriation request emerged from examining trends and factors that contribute to impacts on different racial and ethnic groups. Specific details about this examination were not available at the time of this assessment, but available county-level data confirms disproportionalities in out-of-school suspension by race, ethnicity, income, and disability status. The RESJ Statement for Bill 7-21 documents the following differences between student enrollment and out of school suspension rates:

	Student Enrollment (2018-19)	Out-of-School Suspension (2018-2019)	Difference
Race and ethnicity:			
White/Asian/Other	47%	20%	-27%
Black	22%	43%	+21%
Latinx	32%	36%	+4%
Other characteristics:			
FARMS/Low-Income	36%	58%	+22%
Special Education	13%	26%	+13%
Total Number	164,679.00	2,630.00	

Source: The Office of Legislative Oversight RESJ Impact Statement for Bill 7-21. February 18, 2021. Available at:
<https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/2021/resij-Bill7-21.pdf>

The RESJ statement and additional research confirms that these trends are like those seen across the US, where there are disparities by race and disability in the administration of

¹ Dr. Elaine Bonner-Tompkins. Office of Legislative Oversight. Montgomery County, Maryland. "RESJ Statement Bill 7:21 Police – School Resource Officers." February 18, 2021. Available at:
<https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/2021/resij-Bill7-21.pdf>

school discipline². This is particularly true for Black students and students served under the Individuals with Disabilities in Education Act (IDEA)³. Research is clear that exclusionary discipline practices in schools are ineffective in creating safe, healthy learning environments for students, teachers, and staff⁴.

Disproportionalities are driven by a number of factors; however, research suggests that as with other system-level inequities, these factors are largely shaped by policies and practices not behavioral differences based on race or other status. The RESJ Statement for Bill 7-21, states: *“the consensus among most researchers is that differences in treatment and support for students with similar behaviors and between-school sorting are stronger drivers of disparities in school discipline than differences in student conduct by race, ethnicity, or income.”*

Addressing these disproportionalities—and keeping kids in school—involves several coordinated efforts: replacing exclusionary practices with supportive approaches, auditing disciplinary practices and related data; building the capacity of teachers and other in-school professionals to understand the causes of challenging classroom behavior and how to prevent it⁵. The RESJ Statement for Bill 7-21 highlights the following:

- Additional funding for counselors, psychologists, and social workers;
- Expanding positive behavioral interventions and supports; and
- Expanding restorative justice, social and emotional learning, and empathetic discipline programs.

Supplemental Appropriation #22-75 includes funding for three behavioral support teachers, two social workers, and one psychologist. The funding will also support a supervisor position in the Office of Student and Family Support who will monitor the utilization of restorative justice practices. These investments are aligned with practices for addressing disparities in school discipline disproportionately burdening students of color, particularly Black students, and students with disabilities.

cc: Ken Hartman, Director, Office of Strategic Partnerships, Office of the County Executive
Monifa McKnight, Superintendent, Montgomery County Public Schools

² Kristen Harper, Renee Ryberg, and Deborah Temkin. Child Trends. “Black students and students with disabilities remain more likely to receive out-of-school suspensions, despite overall declines.” April 2019. Available at: <https://www.childtrends.org/publications/black-students-disabilities-out-of-school-suspensions>

³ Kristen Harper, Renee Ryberg, and Deborah Temkin

⁴ US Commission on Civil Rights. Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities. July 2019. Available at: <https://www.usccr.gov/files/pubs/2019/07-23-Beyond-Suspensions.pdf>

⁵ Courtney Perkes. Disability Scoop. “Report: Students with Disabilities Disciplined Twice as Often as Peers.” February 28, 2018. Available at: <https://www.disabilityscoop.com/2018/02/28/report-disciplined-twice/24783/>